

Application Number: MC/10/4092

### **Recommendation**

For the reasons for this recommendation for EIA not required please see planning appraisal section and conclusions at the end of the report

### **Proposal**

Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 - request for a screening opinion for a mixed use development comprising:

- i. Some 121, one and two-bed apartments located within two blocks one being of six and one of eight storeys in height, both of which sit at right angles to the water's edge.
- ii. Ground floor commercial premises (comprising some 4,265 sq.m. floorspace, including the 3,000 sq.m hotel) located below the residential development, suitable for a range of small A1 to A5 retail uses (with restaurants, cafes and bars being most likely) or B1(c) office uses.
- iii. An 80 bed hotel.
- iv. Car and cycle parking provision to serve the above development, with access off Medway Street.
- v. A pedestrian concourse running diagonally from Medway Street towards the existing riverside park with lanes running towards the waterfront.
- vi. Landscaping appropriate to the urban and riverside setting of this site, incorporating terraces associated with the commercial uses.
- vii. A new riverside walk within the site boundaries.
- viii. Private and semi-private amenity space for apartments on high level roof terraces.
- ix. Refuse collection points and bin stores for both residential and commercial units at strategic locations off the main concourse.
- x. Commercial servicing via Medway Street or from the central concourse

### **Site Area/Density**

The site area comprises approximately 0.667 hectares (1.64 acres)

### **Relevant Planning History**

MC/06/1101 Application for mixed development comprising commercial (945 square meters) and restaurant (290 square meters) at ground floor level with 136 flats over in a part 4/5/6/7 storey block; associated parking and ancillary works

Refused 11 September 2006

MC99/0235MG/98/0413    Construction of a food store  
Refused 29 July 1999  
Dismissed at appeal 7 April 2000

### **Representations**

As this is a technical application it is not necessary to consult neighbours, as this will be carried out as part of any subsequent planning application, however Natural England, Environment Agency and English Heritage have been consulted due to the nature of the scheme.

**Natural England** have written to advise that they are only able to advise on environmental impacts relevant to their remit and, whilst they advise that a detailed ecological assessment of the potential impacts of this proposal needs to be carried out for this proposed development it is up to the Council to decide whether a full Environmental Impact Assessment is necessary. They would expect all protected species surveys to be undertaken prior to submission of the application. In addition they would expect the application to provide biodiversity enhancements as an integral part of the scheme.

### **Planning Appraisal**

This is a 'technical application' submitted in relation to the Town and Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999. The Regulations identify the circumstances when an Environmental Impact Assessment (EIA) is required either on its own, or in accompaniment with a planning application. It states that all development identified in Schedule 1 must require an EIA whilst development identified in Schedule 2 may require one. In the latter circumstances the developer will ask for a screening opinion from the Local Planning Authority (LPA) and its purpose is to establish whether an Environmental Impact Assessment is required to assess the proposed works.

The proposal falls to be determined under Section 10 (b) (Urban Development Projects) of Schedule 2 of the Town & Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999. It is designated as such because the area of works would exceed 0.5 hectares.

Where the Local Planning Authority has to decide under the above regulations whether Schedule 2 development is EIA development, the authority shall take into account the selection criteria set out in Schedule 3 of the regulations (repeated in Annex B of Circular 02/99). Annex B sets out the selection criteria for screening Schedule 2 development.

Schedule 3 of the Regulations identifies what a screening opinion must take account of, namely the characteristics of the development, location of the development and characteristics of the potential impact.

Paragraph A18 of Annex A, Circular 02/99 states "*In addition to the physical scale of such developments, particular consideration should be given to the potential increase in traffic, emissions and noise. EIA is unlikely to be required for the redevelopment of land unless the new development is on a significantly greater scale than the previous use, or the types*

*of impact are of a markedly different nature or there is a high level of contamination".*

Paragraph A19 of Annex A, Circular 02/99 states "Development proposed for sites which have not previously been intensively developed are more likely to require EIA if the site area of the scheme is more than 5 hectares; or it would provide a total of more than 10,000m<sup>2</sup> of new commercial floor space; or the development would have significant urbanising effects in a previously non-urbanised area".

In this instance neither threshold is considered relevant in this case as the amount of commercial floorspace is some 4,265 sq.m and some 121 apartments and the site amounts to 0.667 hectares.

The development is unlikely to result in significant urbanizing effects as the site is situated within an existing urban, town centre environment.

The proposal is likely to result in some impact on the local amenity and possible change to traffic movements, nevertheless, this is considered unlikely to be overriding or significant given the urban nature of the site and will be considered regardless of EIA.

Due to the nature of the proposal and the location characteristics it is also unlikely that the proposal would have any significant impact upon ecology, water resources, flood risk, drainage, ground conditions, socio-economic issues, air, noise and archaeology, although detailed technical supporting documents covering such issues will be required on submission of a planning application.


### **Conclusion**

Is considered that the proposed mixed use scheme is Schedule 2 development within the meaning of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 but is unlikely to result in significant effects on the environment and therefore does not constitute EIA development. However, although it is considered that proposal is not EIA development and will not require the submission of an EIA prior to works being undertaken, it is necessary for a number of technical documents to accompany a planning application for any such proposal

The following detailed assessments should be submitted with any forthcoming planning application:

- Transport Assessment
- Air Quality Assessment
- Noise Assessment
- Contamination Investigation
- Tree Survey
- Ecology Survey
- Flood Risk Assessment
- Sustainability Statement
- Design & Access Statement
- Planning Statement
- Cultural, Heritage and Archaeological Statement
- Community Involvement
- Wind Assessment

See draft decision notice

CASE OFFICER	AUTHORISING OFFICER
	M.Ho.
DATE 29/11/10	DATE 29/11/10

30/11/10  
JH